

**PHARMACY BOARD[657]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code section 124.301, the Board of Pharmacy hereby amends Chapter 10, "Controlled Substances," Iowa Administrative Code.

The amendment adds the drug fospropofol to the list of Schedule IV controlled substances, subjecting fospropofol to the record-keeping, security, and control requirements applicable to other substances classified as Schedule IV substances pursuant to the Iowa Controlled Substances Act. This action conforms to similar action recently taken by the federal Drug Enforcement Administration.

The Board will not consider waiver or variance of this amendment because fospropofol is classified as a Schedule IV controlled substance under federal law and the Board has no authority to waive requirements of federal law.

The amendment was approved during the November 17, 2009, meeting of the Board of Pharmacy.

The Board finds, pursuant to Iowa Code section 17A.4(3), that notice and public participation are unnecessary and impracticable due to the immediate need for this amendment in order to ensure appropriate control of fospropofol use and distribution in Iowa.

The Board also finds, pursuant to Iowa Code subsection 17A.5(2)"b"(2), that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on December 1, 2009. This amendment confers a benefit by ensuring appropriate controls, in conformance with federal law, of the distribution and use of fospropofol in Iowa.

This amendment became effective December 1, 2009.

This amendment is intended to implement Iowa Code section 124.201.

The following amendment is adopted.

Adopt the following **new** subrule 10.38(3):

**10.38(3)** Amend Iowa Code section 124.10, subsection 3, by adding the following new paragraph:  
*az.* Fospropofol.

[Filed Emergency 12/1/09, effective 12/1/09]

[Published 12/30/09]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/30/09.